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12				
13				
14				
15	Attorneys for Defendants			
16	Additional counsel listed on following page			
17	UNITED STATES DI NORTHERN DISTRICT			
18	SAN FRANCISCO/OAI			
19	_			
20	JASON ZAJONC, individually and on behalf of all others similarly situated,	Case No. 4:14-cv-05563-EMC		
21	Plaintiff,	STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING		
22	VS.	ON MORGAN STANLEY'S MOTION TO DISMISS, STAY, OR TRANSFER		
23	MORGAN STANLEY & CO. LLC, f/k/a	ACTION TO THE SOUTHERN DISTRICT OF FLORIDA PURSUANT		
24	Morgan Stanley & Co. Incorporated, MORGAN STANLEY SMITH BARNEY	TO THE FIRST-TO-FILE RULE		
25	LLC, and MORGAN STANLEY,			
26	Defendants.			
27				
28				

2	Gregg I. Shavitz (admitted <i>pro hac vice</i>) Susan H. Stern (admitted <i>pro hac vice</i>) Paolo C. Meireles (admitted <i>pro hac vice</i>)
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7	Jeffrey A. Klafter (pro hac vice application forthcoming)
8	Seth R. Lesser (<i>pro hac vice</i> application forthcoming) Fran L. Rudich (admitted <i>pro hac vice</i>)
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13	Attorneys for Plaintiff and proposed Class Members
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STIPULATION AND [PROPOSED] ORDER
TO CONTINUE HEARING
4:14-cv-05563-EMC

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1	TO ALL PARTIES AND THEIR COUNSEL OF RECORD:	
2	Plaintiff Jason Zajonc ("Plaintiff") and Defendants Morgan Stanley & Co. LLC, Morgan	
3	Stanley Smith Barney LLC, and Morgan Stanley ("Morgan Stanley") (collectively, the "Parties")	
4	hereby stipulate as follows:	
5	WHEREAS, on March 19, 2015, Morgan Stanley filed a Notice of Motion and Motion to	
6	Dismiss, Stay, or Transfer Action to the Southern District of Florida Pursuant to the First-to-File	
7	Rule ("Morgan Stanley's Motion to Dismiss") (Docket No. 37), noticing a hearing for April 23,	
8	2015 at 1:30 p.m.;	
9	WHEREAS, Plaintiff's counsel are unavailable that day; and	
10	WHEREAS, both parties' counsel are available on April 30, 2015 at 1:30 p.m.	
11	THEREFORE, it is hereby stipulated and agreed that the hearing on Morgan Stanley's	
12	Motion to Dismiss (Docket No. 37) be continued to April 30, 2015 at 1:30 p.m.	
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Case 3:14-cv-05563-EMC Document 49 Filed 03/31/15 Page 4 of 6

2	Dated: March 26, 2015	By: <u>/s/ Jahan C. Sagafi</u> Jahan C. Sagafi
		-
3		Jahan C. Sagafi (Cal. Bar No. 224887) Julia Rabinovich (Cal. Bar No. 290730)
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		•
18		Jeffrey A. Klafter (pro hac vice application
19		forthcoming) Seth R. Lesser (<i>pro hac vice</i> application
		forthcoming)
20		Fran L. Rudich (admitted <i>pro hac vice</i>)
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25		Attorneys for Plaintiff and Proposed Class
26		Members
27		
28		
20		STIPULATION AND [PROPOSED] ORDER

TO CONTINUE HEARING 4:14-cv-05563-EMC

Case 3:14-cv-05563-EMC Document 49 Filed 03/31/15 Page 5 of 6

Dated: March 26, 2015 By: /s/ Melinda Riechert Melinda Riechert 2 Melinda Riechert 3 MORGAN LEWIS & BOCKIUS LLP One Market, Spear Street Tower San Francisco, CA 94105-1596 4 Telephone: (415) 422-1486 5 Facsimile: (415) 422-1001 E-mail: mriechert@morganlewis.com 6 Attorneys for Defendants 7 8 9 10 PURSUANT TO STIPULATION, IT IS SO ORDERED. 11 Dated: March 31, 2015 12 The Honorable Edwar IT IS <u>SO</u> ORDERED United Sto 13 14 15 Judge Edward M. Chen 16 17 18 19 20 21 22 23 24 25 26 27

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STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING 4:14-cv-05563-EMC

	ATTESTATION OF SIGNATURE				
2	Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence				
3 4	in the filing of this document has been of	in the filing of this document has been obtained from the other signatory above.			
5					
6	DATED: March 26, 2015	OUTTEN & GOLDEN LLP			
7		By: /s/ Jahan C. Sagafi			
8		Attorneys for Plaintiff and Proposed Class			
9		Members			
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